

Municipal Action and Collaboration

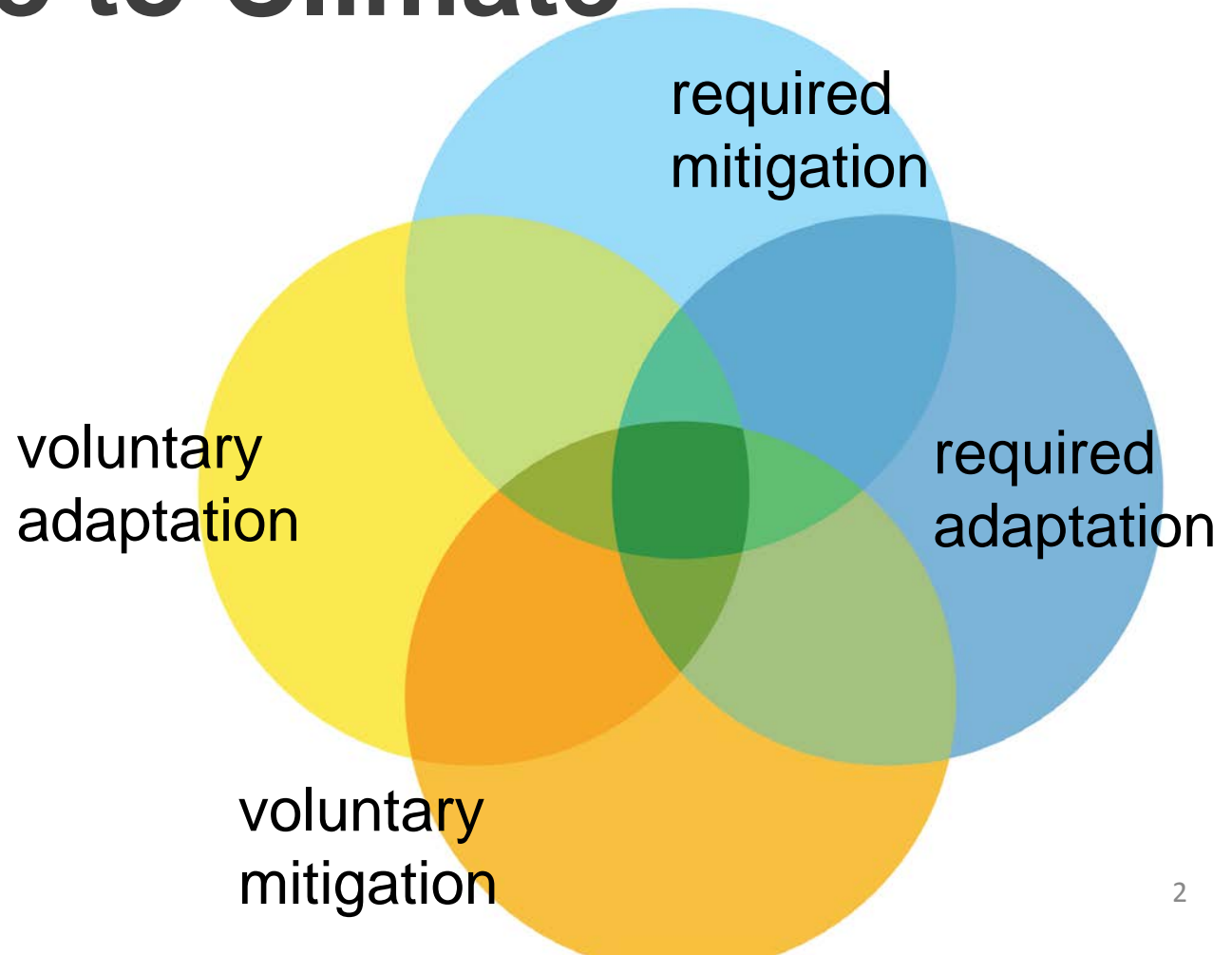
In a changing climate

FCM Sustainable Communities Conference
Windsor Essex, Ontario

February 13, 2013
Travis Allan



Municipal Response to Climate Change



Finch washout 2005



Potential impacts

- Increasing precipitation
- Increased intensity of storms
- More frequent severe freezing/thawing cycles
- More frequent intense summer heat days
- Water level fluctuations

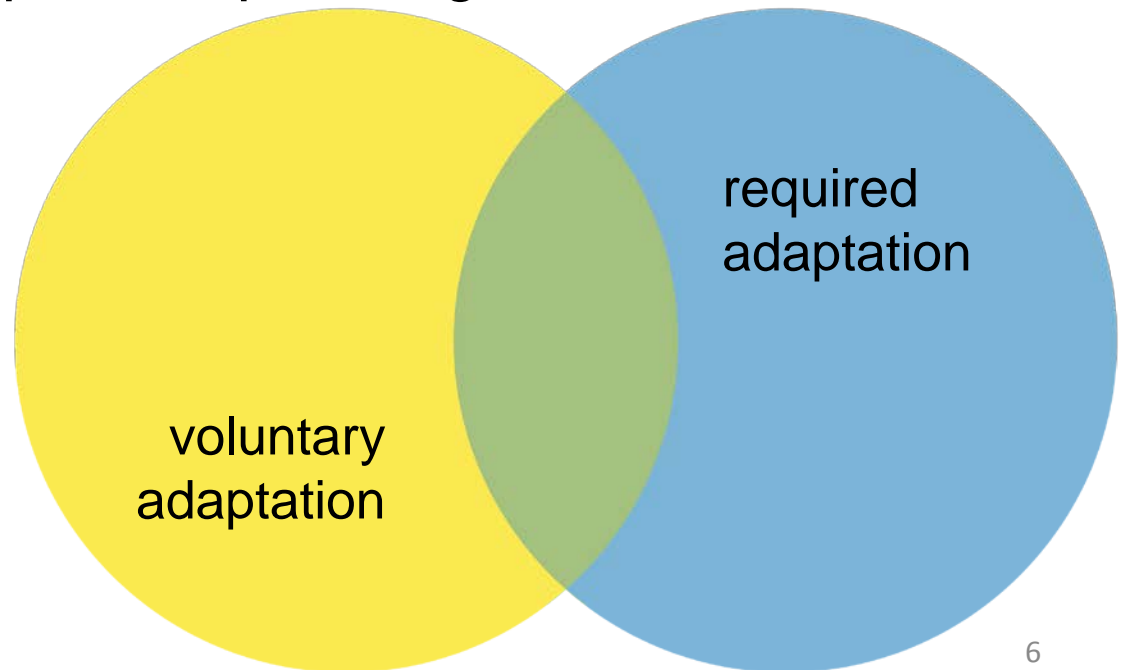
- **Increased costs**
 - **effects on physical assets**
 - **potential legal liability**
 - **significant driver to adapt**

Jurisdiction to adapt

- Good Government
- Natural Person rights
- By-law/code/planning powers
- Implicit authority

Why adapt?

- Cost control and prudent planning
- Resilience
- Liability
- Insurance costs
- Build community



Responsibility to adapt

- Duties to provide services
- Accidents & municipalities
- The enterprising lawyer



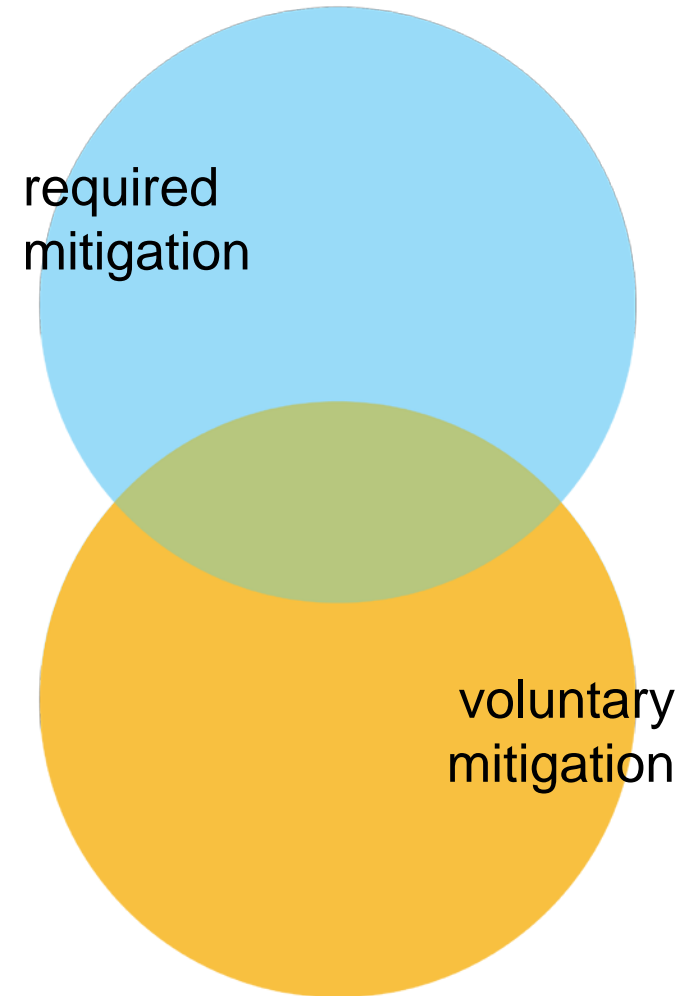
Class actions

- City of Thunder Bay (combined \$800M)
- City of Mississauga (\$200M)
- Efficient and improved access to justice
- Representative plaintiff for similarly situated, defined class
- Common issues decided together



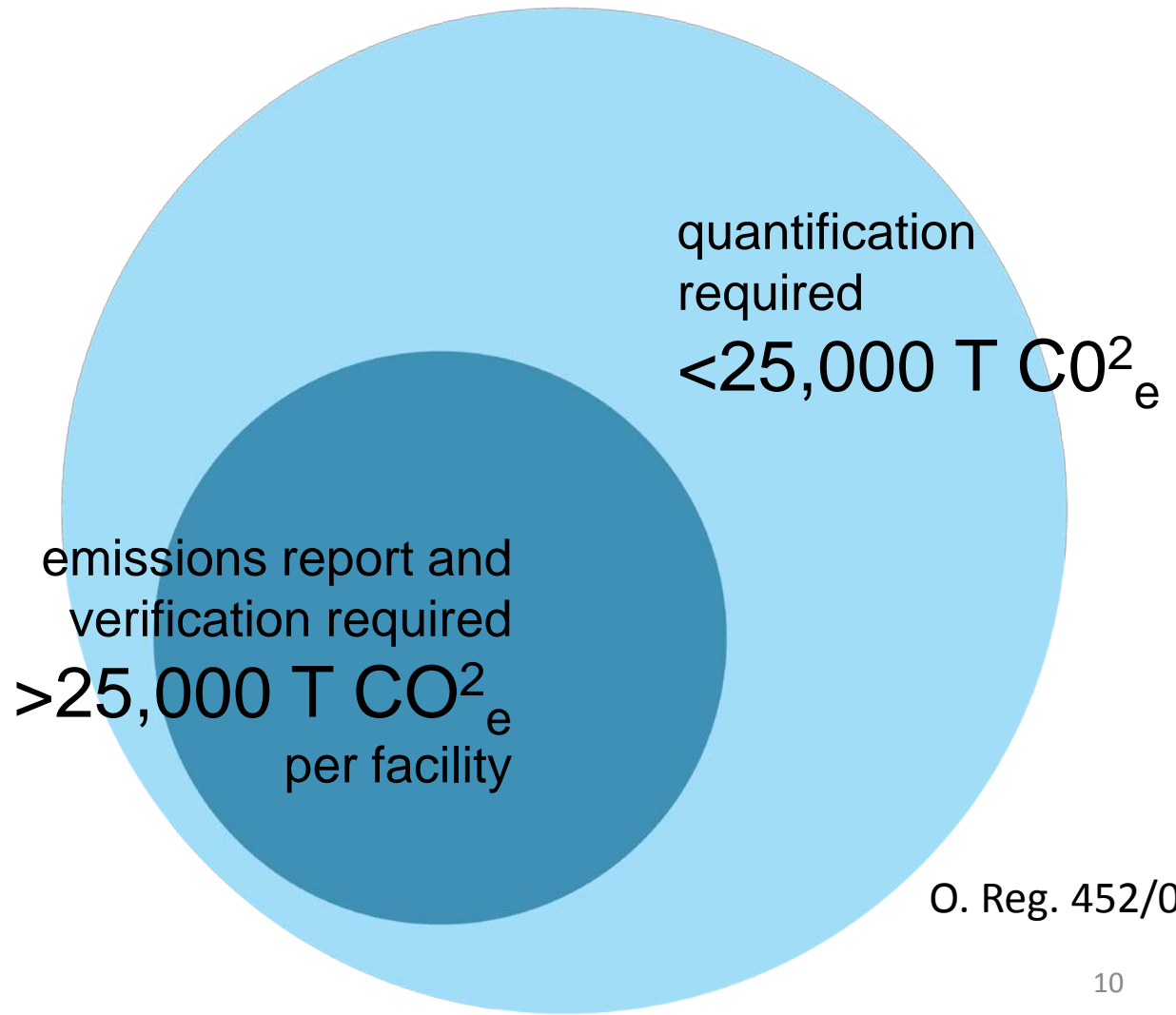
Why mitigate?

- Federal/provincial regulation
- Energy price fluctuations (adaptation & resiliency)
- Civic engagement
- Potential for carbon credits



GHG reporting

Example:
required
mitigation



O. Reg. 452/09

Other examples

- Home energy efficiency
- Renewable energy
- Home forestry
- District energy
- Car sharing
- Car pooling

Voluntary

- Sometimes more effective?
- Potential to increase value per \$ invested

Jurisdiction to mitigate

- Case-by-case
- Good Government
- Natural Person rights
- By-law/code/planning powers
- Implicit authority

Not always
enough

A little help?

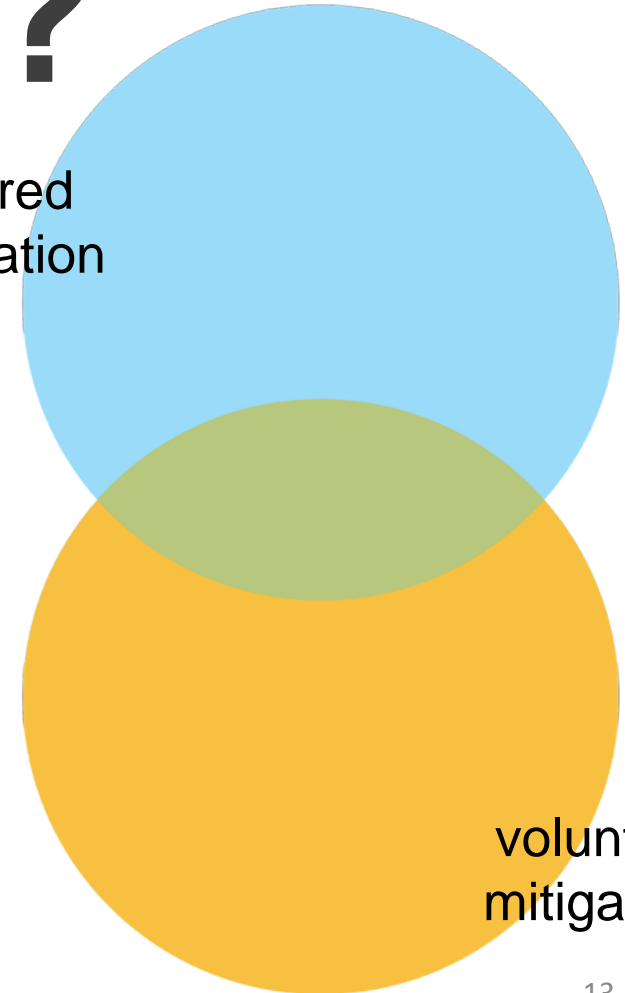
Actions
municipality
can control

+

=

Actions
residents
can control

required
mitigation



voluntary
mitigation



LEGAL ISSUES FOR INNOVATIVE ORGANIZATIONS

Legal concerns

- Who owns your intellectual property? Is it protected?
- Who owns your data?
- Who is allowed to contact your stakeholders?
- Have you been clear about data collection and use?

Privacy

Key words from Privacy by Design Foundational Principles

- Proactive
- Default Setting
- Embedded
- Positive-sum
- Fully Lifecycle Protection
- Visibility and transparency
- User-centric

Privacy by Design developed by Ann Cavoukian, Ph.D.
Information and Privacy Commissioner of Ontario

Green claims



Graphic and concept by
TerraChoice/Underwriters Laboratory

Green claims

“Accurate and verifiable environmental claims that are not misleading”

Resources:

- 7 Sins of Greenwashing – www.sinsofgreenwashing.org
- Competition Bureau Guidance – “Environmental Claims: A Guide for Industry and Advertisers” (2008)

Thank you

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